

CGB-CC-0963

Received & Inspected

JAN 1 1 2010 FCC Mail Room

January 4, 2010

Marlene H. Dortch, Secretary Federal Communications Commission Office of the Secretary 445 12th Street, SW Washington, D.C. 20554

Re: Petition for Undue Burden Exemption From Closed Captioning Rules

Dear Ms. Dortch:

This letter is submitted pursuant to 47 C.F.R. §79.1(f) and requests an exemption on behalf of Gracepoint Church from the FCC's closed captioning rules based on undue burden. In accordance with 47 C.F.R. §79.1(f)(4), the original and two copies of this letter and all support are being provided.

Gracepoint Church is a donor supported non-profit organization under the laws of the state of Indiana. Since 2008, we have produced a weekly 58:00-minute video program called "Gracepoint Church". "Gracepoint Church" is a program that serves as a teaching ministry outreach, which helps bring biblical answers to life situations. "Gracepoint Church" is locally produced in-house by Gracepoint Church staff, and is broadcast to the public on WHMB-TV40 in Indianapolis. Gracepoint Church pays WHMB-TV40 \$77,325.00 per year to air the show over its broadcast facilities.

Captioning the program would present an undue burden for several reasons. First, since we do not have the resources to caption the program ourselves, it would have to be sent to an outside source for captioning. Second, the added production cost for captioning would make production of the program unaffordable and the time for captioning would make meeting WHMB-TV40 air-date deadlines impossible. Finally, a captioning requirement would ultimately cause us to either terminate or severely limit production of the program, and cause us to lose viewers and supporters who would no longer be able to regularly view the program. We have discussed with WHMB-TV40 the possibility of their assisting us in captioning the program at no cost, but they have advised us that they do not have the necessary resources or staffing to perform captioning on our behalf.

Gracepoint Church respectfully submits that the basis for its captioning exemption request based on undue burden is practically identical to the facts justifying undue burden exemptions in the Commission's 2006 Memorandum Opinion & Order, In Re Anglers for Christ Ministries, Inc. & New Beginning Ministries Petitions for Exemption from Closed Captioning Requirements, CGB-CC-0005 and -0007, 21 FCC Rcd 10094 (September 12, 2006).

## **PASTOR JAMES DEVNEY**

Marlene H. Dortch, Secretary Federal Communications Commission Office of the Secretary 445 12th Street, SW Washington, D.C. 20554

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In light of that precedent, and the facts set forth in this letter, we respectfully request that Gracepoint Church be granted an undue burden exemption from the captioning requirements for "Gracepoint Church" program.

In support of our request, we provide a copy of certain documents establishing Grace-point Church's non-profit status. In addition, as permitted by §1.16 of the Commission's rules, we are providing a Declaration Under Penalty of Perjury in support of the facts set forth in this request for exemption in lieu of the affidavit required by §79.1(f)(9). Should the Commission require additional information, please contact the undersigned individual.

-- Respectfully: -

Gracepoint Church

By:

Printed Name: Stanley Glover

Title:

Associate Pastor

# Declaration Under Penalty of Perjury of Stanley Glover In Support of Gracepoint Church's Request for Undue Burden Exemption from Closed Captioning Rules

I, Stanley Glover, Associate Pastor of Gracepoint Church, do hereby declare under penalty of perjury of the laws of the United States of America that the following statements are true and correct.

- 1. Gracepoint Church is a donor supported non-profit organization organized under the laws of the state of Indiana.
- 2. Since 2008, Gracepoint Church has produced a 58-minute video program called "Gracepoint Church". "Gracepoint Church" is a program that serves as a teaching ministry outreach, which helps bring biblical answers to life situations. "Gracepoint Church" is locally produced in-house by church staff, and is broadcast to the public on WHMB-TV40 in Indianapolis. -Gracepoint Church-pays-WHMB-TV40 \$77,325:00-per year to-air-the show-over its broadcast facilities.
- 3. Gracepoint Church has discussed with WHMB-TV40 the possibility of their assisting in captioning "Gracepoint Church" at no cost, but they have advised us that they do not have the necessary resources or staffing to perform captioning on our behalf.
- 4. Captioning "Gracepoint Church" would present an undue burden because we do not have the resources to caption the program ourselves, and it would have to be sent to an outside source for captioning.
- 5. The added production cost for captioning would make production of the program unaffordable and the time for captioning would make meeting WHMB-TV40 air-date deadlines impossible.
- 6. A captioning requirement for "Gracepoint Church" would ultimately cause Gracepoint Church to either terminate or severely limit production of the program, and cause us to lose viewers and supporters who would no longer be able to regularly view the program.

Executed on January 4, 2010

Stanley Glover—Associate Pastor

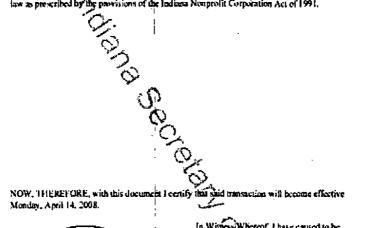
Indiana Secretary of State Packet: 2008041400159 Filling Date: 04/14/2008 Effective Date: 04/14/2008

# State of Indiana Office of the Secretary of State

#### CERTIFICATE OF INCORPORATION

## GRACEPOINT CHURCH INCORPORATED

I, TODD ROKITA. Scerenzy of State of Indiana, hereby certify that Articles of Incorporation of the above Non-Profit Domestic Corporation have been presented to me at my office, accompanied by the fees prescribed by have and that the documentation presented conforms to law to pre-cribed by the provisions of the Indiana Nonprolit Corporation Act of 1991.





In Winess Whereof, I have caused to be affixed my signature and the seal of the State of Indiana, in the City of Indianapolis. April 14, 2008.

TODD ROKITA, SECRETARY OF STATE

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